

April 12, 2010
Commissioners Meeting
Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 12th day of April, 2010. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlrich, County Commissioners, Rita M. Mundil, County Clerk, Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Oehlrich to approve the agenda. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Oehlrich; second Heard to approve the minutes of 3/30/10. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl to enter executive session at 8:38 a.m. for the general assistance report. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Heard; second Kracl to exit executive session and resume regular session at 8:45 a.m. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

Don Cunningham director of Traffic Safety of Nebraska Safety Council, Inc. presented a brief history of the STOP Program which Colfax County provides for minor traffic offenses; a fact sheet of cell phone use while driving was also provided. The County Attorney informed the board of statutes the board will need to follow to purchase real property for county use. The board may use executive session to discuss the amount or the range the county is willing to pay for the property. The County Attorney discussed the proposed position for a victim advocate to be funded by a VOCA grant for Colfax County. He is requesting the board's consideration to approve the application of VOCA funding for a Joint Colfax/Platte County Victim Assistance Unit as discussed at the previous meeting with the following exception: the position be offered with the same benefits as outlined in the Platte County position, retirement and FICA and no medical benefits.

Motion Oehlrich; second Heard to approve the application of VOCA funding for a Joint Colfax/Platte County Victim Assistance Unit position allowing retirement and FICA and no medical benefits. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

The weed superintendent gave a report of the activities of his department; he attended a meeting in Norfolk and a training session in Hastings. Dave Boshult/NDA inspector will address the board at the April 27th meeting.

The clerk provided the board with a copy of her monthly fees, NIRMA Quarterly Loss Reports, and NIRMA 3rd Quarter summary of all Colfax County claims turned in during the 2010 calendar year.

The board received a copy of the monthly fee report of the District Court Clerk.

The board received a copy of the March public defender report.

The sheriff provided a copy of his 2010 1st quarter activities report, March's monthly fee report, and notice that all distress warrants have been collected except for one on a trailer house. The sheriff discussed with the board the wrecked 2006 patrol car and his plans for replacement of the vehicle.

The board provided an opportunity for county employee's to attend an "Agenda-less meeting".

The board of commissioners recessed at 9:45 a.m. and reconvened at 10:00 a.m.

The zoning administrator gave a report of the activities of his office; he provided a copy of an email he sent to the Union Pacific Railroad again requesting that a flood plain permit be applied for. The board reviewed a DEQ notice on a Phased Construction and Operating Permit Issued and Approval to Operate Phase I and II on Todd Jedlicka Livestock Concentrated Animal Feeding Operation.

Colfax County received notice that the County has been awarded a CDBG Disaster Recovery Program Grant in the amount of \$689,862 to evaluate and make necessary restorative measures and repairs to the Hughes-Payzant Drainage Ditch. Flooding has damaged the ditch's head gate and eroded its channel. The county attorney and NNEDD have reviewed the Notice of Approval/Transmittal of Contract and believe that all terms and conditions are reasonable.

Motion Oehlrich; second Kracl to authorize the chairman to sign the State of Nebraska Department of Economic Development Community Development Block Grant Disaster Recovery Contract No. 08-DPI-015. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Oehlrich to authorize the chairman to sign the Northeast Nebraska Economic Development District Service/Consultant Agreement for General Administration. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

The emergency manager gave a report of the activities of his department; correspondence from the State of Nebraska Emergency Management Agency stating that Colfax County is eligible to apply for assistance to repair damages from severe winter storms from December 22nd, 2009 through January 8th, 2010. He attended one of the meetings listed to fill out a formal Request for Public Assistance. The emergency manager will plan a meeting with Nebraska Department of Roads District Engineer to establish procedures to be followed when there is a hazardous material spill on the State ROW. The emergency manager reviewed the LEOP Plan with the board.

Motion Kracl; second Oehlich to adopt the LEOP Plan for Colfax County. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The board provided an opportunity for public comment; a citizen inquired about the Hughes Payzant Grant Fund.

The highway department gave a report of the activities of their department; a contact person needs to be designated for the CDBG Disaster Recovery Program Grant and Special Conditions need to be completed before the Department will grant an official release of funds.

Motion Kracl; second Oehlich to appoint Mark Arps as the Responsible Person in charge for the CDBG Disaster Recover Program Grant. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The board reviewed the three bids that were tabled at the previous meeting. Motion Kracl; second Oehlich for the furnishing of materials and operated crane to construct a culvert structure with Midwest Service in the amount of \$38,006.45 for project Howells Northeast, C-19(430) contingent to corps permit and row acquisition. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Heard; second Kracl for the furnishing of materials and operated crane to construct a culvert structure with Midwest Service in the amount of \$31,661.20 for project Schuyler Northwest, C001913005 C-19(432) contingent to corps permit and row acquisition. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Kracl for construction of Concrete Box Culvert with M.E. Collins in the amount of \$205,744.78 for Project Schuyler West, C001904405 C-19(337) contingent to corps permit and row acquisition. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Kracl to adjourn BOC at 12:03 p.m. and to meet again April 27, 2010. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 13th day of April, 2010.

Rita M. Mundil, County Clerk